

STATE OF SOUTH CAROLINA

(Caption of Case)

Petition of Office of Regulatory Staff to Establish
Dockets to Consider Implementing the Requirements
of Section 1251 (Net Metering and Additional
Standards) of the Energy Policy Act of 2005

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2005 - 385 - E

(Please type or print)

Submitted by: Stephanie U. RobertsSC Bar Number: 80073Address: 110 Oakwood Drive, Suite 500Telephone: 336.725.4710Winston-Salem, NC 27103Fax: 336.725.4476

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certificatio
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigatio
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input checked="" type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input checked="" type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input checked="" type="checkbox"/> Other: Letter and COS
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	



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September 30, 2013

Via SCPSC E-FILING DMS

The Honorable Jocelyn G. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, SC 29210

**Re: Petition of Office of Regulatory Staff to Establish Dockets to Consider
Implementing the Requirements of Section 1251 (Net Metering and
Additional Standards) of the Energy Policy Act of 2005
Docket No. 2005-385-E**

Dear Ms. Boyd:

Please find attached for electronic filing with the South Carolina Public Utility Commission ("Commission") a copy of the SCPSC Docket Coversheet and a Petition to Intervene and attached Comments on behalf of Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart") in the above-referenced matter. All parties have been served a copy of this document in accordance with the attached Certificate of Service.

Please contact us if you have any questions concerning this filing.

Sincerely,

SPILMAN THOMAS & BATTLE, PLLC

By

Stephanie U. Roberts
(SC Bar No. 80073)

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SUR/lhi
Enclosures

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West Virginia

North Carolina

Pennsylvania

Virginia

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET NO. 2005-385-E

IN RE: Petition of the Office of Regulatory)	PETITION TO INTERVENE OF
Staff to Establish Dockets to Consider)	WAL-MART STORES EAST, LP
Implementing the Requirements of Section 1251)	AND SAM'S EAST, INC.
(Net Metering and Additional Standards) of the)	
Energy Policy Act of 2005)	

Pursuant to Rule 103-836 and other applicable rules and regulations of the South Carolina Public Service Commission ("Commission"), Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), by its attorneys, respectfully requests that the Commission permit it to intervene and become a party in the above-captioned matter and that the Commission accept for filing and consideration Walmart's "Comments," attached as Appendix A to this pleading in conformity with the Commission's directive of August 7, 2013. Walmart understands that such Comments are to be filed by "parties" to this docket and therefore submits this Petition to Intervene, and in support thereof, Walmart submits as follows:

1. On December 12, 2005, South Carolina Office of Regulatory Staff ("ORS") filed a Petition to Establish Dockets to Consider Implementing the Requirements of Section 1251 (Net Metering and Additional Standards) of the Energy Policy Act of 2005 ("Petition").
2. On August 7, 2013, the Commission set forth a schedule requiring the filing of "written assessments" on September 30, 2013, from the parties in this case.

3. Walmart is a national retailer of goods and services throughout the United States. Walmart's principal office is at 2001 SE 10th Street, Bentonville AR 72716-0550. Walmart has the privilege of providing its retail services in the State of South Carolina. In so doing, Walmart is a large commercial consumer of electricity with approximately 75 facilities in South Carolina that are served by South Carolina Electric & Gas Company ("SCE&G"), Duke Energy Carolinas, LLC ("Duke"), and Duke Energy Progress, Inc. ("Progress"), which include Walmart Supercenters, Sam's Clubs, and gas stations. Walmart purchases more than 400 million kWh annually in South Carolina. Electricity is one of the single highest operating costs faced by Walmart. Walmart also is committed to substantial investment in solar photovoltaic and other on-site generation. Walmart therefore has an interest in net metering and related standby service issues, parameters, and rates. Thus, Walmart, as a large commercial customer with multiple facilities, has an interest in this matter that is not represented by any other party.

4. In addition, Walmart has learned that some electric utilities in the state may not currently provide service parameters that capture, for example, the size and capacity of on-site renewable facilities that Walmart would consider, and questions exist regarding related standby service rates and net metering. See, e.g., Direct Testimony of Steven W. Chriss, p. 13, Docket No. 2013-59-E. The issue came to light in the most recent Duke rate case at Docket No. 2013-59-E, and, in fact, Duke witness Jeffrey R. Bailey confirmed on the stand at the hearing on July 31, 2013 (in response to an inquiry from Commissioner Randall), that Duke was willing to work with Walmart and other interested parties to address these issues. It is for this principal reason that Walmart now intervenes, as this proceeding would provide an ideal opportunity to examine these issues.

5. In addition, Walmart believes that there may be a divergence of treatment between Duke, Progress, and SCE&G as it relates to net metering and standby service rates as discussed in the attached Comments, and such inconsistencies may also be germane to this docket.

6. Walmart believes that this docket provides an opportunity for the Commission to further address these important issues, and Walmart further avers that its intervention in that regard would be informative to the Commission and other parties as reflected in its attached Comments.

7. The attorneys representing Walmart in this proceeding are:

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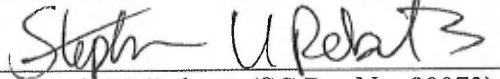
Ms. Roberts is authorized to accept service of papers in this proceeding on behalf of Walmart.

Walmart also respectfully requests that Mr. Williamson be added jointly to the service list.

WHEREFORE, Wal-Mart Stores East, LP and Sam's East, Inc., respectfully request that it be granted leave to intervene and be made a party to the above-captioned proceeding, and that its attached Comments be accepted for filing and consideration by the Commission.

Respectfully submitted,

SPILMAN THOMAS & BATTLE, PLLC

By 

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Counsel to Wal-Mart Stores East, LP and Sam's East, Inc.

Dated: September 30, 2013

APPENDIX A

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET NO. 2005-385-E

IN RE: Petition of the Office of Regulatory)	COMMENTS OF
Staff to Establish Dockets to Consider)	WAL-MART STORES EAST, LP
Implementing the Requirements of Section 1251)	AND SAM'S EAST, INC.
(Net Metering and Additional Standards) of the)	
Energy Policy Act of 2005)	

Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), hereby submit these Comments in response to the South Carolina Public Service Commission's ("Commission") directive issued August 7, 2013, seeking "written assessment of ... experience[s] with net metering" in the last few years.

Although Walmart has not heretofore participated in this docket, Walmart is actively engaged in efforts to reach its aspirational goal of being supplied by 100 percent renewable energy. Walmart currently has approximately 250 renewable installations operational, producing over 220 million kWh annually.

Walmart has the privilege of providing its retail services in the State of South Carolina. In so doing, Walmart is a large commercial consumer of electricity with approximately 75 facilities in South Carolina that are served by South Carolina Electric & Gas Company ("SCE&G"), Duke Energy Carolinas, LLC ("Duke"), and Duke Energy Progress, Inc. ("Progress"), which include Walmart Supercenters, Sam's Clubs, and gas stations. Walmart purchases more than 400 million kWh annually in South Carolina. Electricity is one of the single highest operating costs faced by Walmart. Walmart also employs over 29,000 associates in

South Carolina. Additionally, in FYE 2013, Walmart spent over \$1.2 billion with in-state suppliers and supported over 20,000 supplier jobs. Also, as stated above, Walmart is committed to substantial expansion in solar photovoltaic and other on-site renewable generation. Walmart therefore has a significant interest in net metering and related standby service issues, parameters, and rates.

While investigating locations for additional sites for renewable energy, Walmart has learned that some electric utilities in the state do not currently provide service parameters that capture, for example, the size and capacity of on-site solar facilities in which Walmart would invest, and questions exist regarding related standby service rates and net metering. See Direct Testimony of Steven W. Chriss, p. 13, Docket No. 2013-59-E. In fact, in Duke's case at Docket No. 2013-59-E, Duke witness Jeffrey R. Bailey confirmed on the stand at the hearing on July 31, 2013 (in response to an inquiry from Commissioner Randall), that Duke was willing to work with Walmart and other interested parties to address these issues.

In that vein, an evaluation of Duke's South Carolina tariff reveals that it is unclear if customers investing in on-site generation of over 100 kW are captured by the applicable net metering tariff or if other standby service charges (under Schedule PG) might apply to a customer like Walmart. For example, on the Duke system, it is unclear how or whether standby service charges for large customers have been properly designed, especially for customers choosing to meter their on-site generation. For such customers, any standby demand (kW) rate should reflect a customer's actual demand, not demand ratchets or other "penalties" that have no relation to cost causation. A failure to adopt such a rate structure would act as a barrier to customer installation of on-site renewables.

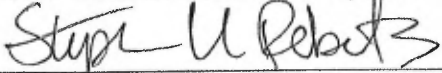
As noted above, Walmart is in need of clarification of Duke's tariff treatment of on-site generation metering and the applicability of related standby service rates. Similarly, a review of

the Progress and SCE&G tariffs reveals similar uncertainty as to what provisions apply to on-site generation based on size and the validity of the design of standby service rates for metered on-site generation. Given Walmart's commitment to investment in on-site generation, clarity and consistency should be required.

Accordingly, Walmart submits that the Commission should further examine these issues in the context of a stakeholder workshop. Walmart suggests that a principal focus of that effort should be to evaluate and achieve consensus on consistent tariff treatment and rate design attendant to metered on-site generation of varying capacities, such that artificial barriers to customer installation are mitigated to the greatest degree possible.

Respectfully submitted,

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STATE OF SOUTH CAROLINA
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IN RE: Petition of the Office of Regulatory)	PETITION TO INTERVENE AND
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Implementing the Requirements of Section 1251)	STORES EAST, LP AND
(Net Metering and Additional Standards) of the)	SAM'S EAST, INC.
Energy Policy Act of 2005)	

I hereby certify that I have this day served one (1) copy of the foregoing document upon the following parties to this proceeding via First Class Mail:

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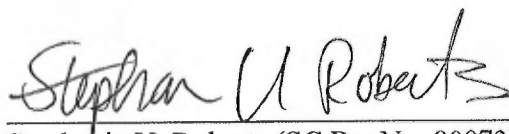
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A handwritten signature in black ink, reading "Stephanie U. Roberts". The signature is written in a cursive style with a large, stylized "S" and "R".

Stephanie U. Roberts (SC Bar No. 80073)

Dated: September 30, 2013